

RIVERS MANAGEMENT ADVISORY COMMITTEE

Meeting Minutes

February 2, 2009

DES Rooms 113/114

9:30 am – 11:30 pm

Members Present

Ken Kimball, Chair
Michele L. Tremblay, Vice Chair
Alan Bartlett
Bob Beaurivage
Jennifer Czysz
Anne Krantz
Johanna Lyons
Frederick McNeill
John Magee
Kathryn Nelson
Kevin Nyhan
Allan Palmer
Larry Spencer

Representing

Recreational Interests
Conservation Interests
Agricultural Community
Public Water Suppliers
NH Office of Energy and Planning
Historical & Archaeological Interests
Dept. Resources & Economic Development
Municipal Government
NH Fish & Game Department
Local River Management Advisory Comm.
NH Dept. of Transportation
Business and Industry Association
NH Association of Conservation Comm.

Term

Dec. 28, 2011 V
Dec. 28, 2008 V
Mar. 22, 2009 V
Sept. 28, 2010 V
Indefinite NV
June 15, 2010 V
Indefinite NV
Nov. 16, 2011 V
Indefinite NV
Sept. 5, 2010 V
Indefinite NV
Sept. 28, 2010 V
Oct. 12, 2010

Members Absent

William Heinz
Gail McWilliam Jellie
Walter Morse

Granite State Hydropower
NH Department of Agriculture
NH Fish & Game Commission

Jan. 5, 2009 V
Indefinite NV
Sept. 28, 2009 V

DES Staff Present

Steve Couture
Laura Weit
Jenn Rowden

NHDES Rivers Coordinator
NHDES Lakes and Rivers Watershed Planner
NHDES Lakes and Rivers Program

Guests Present

Roger Cote
Mike DiLorenzo
Patricia deBeer

Resident, Thoreau's Landing, Nashua
Resident, Thoreau's Landing, Nashua
Exeter River LAC

The Meeting Was Called to Order

Ken Kimball, Chair, called the meeting to order 9:37 AM.

I. Introductions/Minutes/Committee Business

Introductions were made.

1) December 15, 2008 RMAC Meeting Minutes- Vote Required

- *Michele L. Tremblay made a motion to accept the December 15, 2008 RMAC meeting minutes, second by Anne Krantz. Motion passed unanimously.*

2) RMAC Membership Update

Steve reported:

- 1) Michele Tremblay's reappointment is expected to be placed on the February 4th Governor & Council agenda.

- 2) Bill Heinz, Hydropower, will not be seeking reappointment. A letter of thanks will be drafted. Gary Kerr has been nominated to replace Bill.
- 3) Alan Bartlett's appointment will expire in March. Alan was encouraged to seek reappointment to represent the Agricultural Community.
- 4) Walter Morse will not be seeking reappointment when his term expires in September 2009.

II. RMPP Budget

The RMPP expects to be affected by budget cuts. The budget submitted is for baseline funding, in the same amount as last biennium. The annual RMPP budget is approximately \$220,000, mainly for staffing of Steve, Laura, Jenn and Wayne Ives. A small amount is for other expenses.

- ***Michele L. Tremblay submitted a motion that the RMAC write a letter to the appropriate legislative committees and to the Governor's office highlighting that the RMPA and the RMPP have leveraged enormous resources in the volunteer community. This very modest and lean budget should not be cut, as it would greatly affect river management on a statewide basis along with the support provided to local groups that carry out the state's work on NH's rivers. Second by Allan Palmer. Motion passed unanimously.***

Ken and Michele will draft the letter and associated talking points, which will be distributed to each LAC if they should choose to send letters also.

IV. Sustainability Initiative – Jenn Rowden

Jenn shared that work continues with the Commissioner's Office and the DES Strategic Planning Committee. One item under discussion included how a data subcommittee for the Sustainability Initiative would advise DES and how recommendations and/or suggestions would be incorporated. Volunteers were sought to work on the subcommittee to form clear expectations and work products. Any feedback from RMAC members can be sent directly to the commissioner.

III. Tidal River Nomination – Steve Couture

The Exeter River Local Advisory Committee (ERLAC) is inquiring as to whether a tidal river can be designated in the Rivers Management Protection Program. Changes would have to be made to the definition of rivers in RSA 483 and language added to the nomination criteria. DES is supportive of the concept. Representative Kappler is receptive to amending HB 102 to include the tidal language. The proposed language would read: "a river means a flowing body of water, a segment, or tributary, of such water body". Chairman Kimball suggested adding – "that still retains river-like characteristics". Discussion around fresh vs. saline and flow vs. current ensued. The Committee agreed that the definition be limited to ensure that Great Bay is not defined as a river. The Committee also understood that some rivers, such as the Exeter, which change names and salinity, but still retains its riverine-like characteristics, would be appropriate for the RMPP. The language needs to be finalized.

- ***Michele L. Tremblay moved that the rivers coordinator craft language to include or codify inclusion of river segments that may be tidal, but exclude large estuary management areas based on the guidance provided by the chair and vice chair. Second by Allen Palmer. Motion passed unanimously.***

IV. Legislation/Rulemaking/Other – Michele L. Tremblay

Michele L. Tremblay, chair of the RMAC policy and legislation subcommittee, thanked Kath Nelson and Allan Palmer for their participation in this process.

Tier 1 House Bills:

HB 102 – relative to the rivers management programs and the rivers coordinator. A possible amendment to the definition of rivers may be included and supported. The Policy and Legislation Subcommittee recommend the RMAC support this bill.

HB 290 – authorizing fluvial erosion hazard zoning. This bill is a result of a recommendation by the Flood Commission. The Policy and Legislation Subcommittee recommend the RMAC support this bill.

LSR 345 – relative to aquatic resource compensatory mitigation. Language was published and the Policy and Legislation Subcommittee recommend the RMAC track this bill.

HB 607 – relative to residential pharmaceutical waste. The Policy and Legislation Subcommittee would like to discuss this bill with the RMAC to determine to support it or not.

HB 503 – relative to the state's authority to lease submerged land. The Policy and Legislation Subcommittee recommend the RMAC track this bill.

- ***Larry Spencer made a motion to follow the recommendations of the subcommittee, except for the fact that the pharmaceutical bill has been changed from discussion to support. Second by Bob Beaurivage. Motion passed unanimously.***

Tier 1 Senate Bills:

SB 134 - relative to the comprehensive shoreland protection act. DES is in support. The Policy and Legislation Subcommittee recommend the RMAC track this bill.

SB/ LSR 916 - establishing a moratorium on the shoreland protection act and establishing a commission to study revision of the shoreland protection act. Discussion ensued. The RMAC heard ideas shared by guests.

- ***Michele L. Tremblay made a motion that the RMAC is not in favor of suspending the provisions of the CSPA, under RSA 483-B, but that we recognize remedies are needed for emergencies or other shoreland activities within the protected shoreland area. Second by Bob Beaurivage. Motion passed unanimously.***

LSR 0743 – relative to the acceptance of in lieu payments for the restoration or creation of wetlands. The Policy and Legislation Subcommittee recommend the RMAC support this bill.

SB 44 – establishing a commission to review all fees charged by the department of environmental services. The Policy and Legislation Subcommittee recommend the RMAC support this bill.

SB 60 – establishing a committee to study water sustainability. The Policy and Legislation Subcommittee recommend the RMAC support this bill.

LSR 0969 (SB 107) – relative to the leasing of state-owned real estate on public waters. This follows the recommendations of the HB 710 Commission.

Michele L. Tremblay made a recommendation that based on previous RMAC testimony and discussions that Chairman Kimball and LMAC Chairman O'Brien have had with the Governor, the RMAC support this bill.

- ***Michele L. Tremblay made a motion that the RMAC move forward with the recommendations of the subcommittee for LSR 743, SB 44, SB 60, and SB 107. Second by Allan Palmer. Motion passed unanimously.***

Tier 2

These are not of as high importance to the RMAC.

HB 45 – relative to the water supply land conservation program. The Policy and Legislation Subcommittee recommend the RMAC support this bill.

HB 60 – relative to large groundwater withdrawals. The Policy and Legislation Subcommittee recommend the RMAC oppose this bill.

HB 150 – relative to removing invasive aquatic growth. The Policy and Legislation Subcommittee recommend the RMAC track this bill.

HB 652 – relative to the impact of demolition and construction projects on the environment. The Policy and Legislation Subcommittee recommend the RMAC track this bill.

SB 50 – relative to funds and programs of the department of environmental services. The Policy and Legislation Subcommittee recommend the RMAC track this bill.

- ***Michele L. Tremblay made a motion that the RMAC accept all of the recommendations of the subcommittee for Tier 2. Second by Fred McNeill. Motion passed unanimously.***

Michele and Ken thanked the subcommittee and staff for all their work.

VII. Surplus Land Reviews (SLR)-Disposition of state-owned properties – Laura Weit, NHDES

- 1) DOT 09-001: Town of Plymouth (Baker River)

- ***Larry Spencer made a motion to support the sale of this piece of property, second by Anne Krantz. Motion passed unanimously.***

- 2) RMAC procedure update –

Laura proposed changes to both the RMAC procedure for review of disposed properties and the RMAC checklist. Procedure changes include:

- a) Strike out the old definition for river and use the definition used in the CSPA bill - “all year-round flowing waters as determined by the New Hampshire Hydrography Dataset”.
 - b) Upon consultation with the Rivers Coordinator, the RMAC Chair and Vice Chair may categorically exclude proposals from further review by the full RMAC based on the expected de minimis impact of the proposed action on the river. The RMAC would then inform CORD and other state agencies that the RMAC is not opposed to the proposed action.
- ***Bob Beaurivage made a motion to accept the changes with the correct spelling of “minimums”, second by Larry Spencer. Motion passed unanimously.***

VIII. Other Business/Action Item Review – Steve Couture, NHDES

The RMAC meeting distribution documents will be moved to a blog site. This will be a pilot project, only available to a select group. Michele noted that a link should be added to the

RMAC webpage. Steve agreed that he would inquire about it. It was agreed that the blog be made available as soon as possible.

IX. Next meeting date(s)/adjourn:

Crossover is April 9th. The next meeting will be Monday, April 13, 2009 at 1 PM.

It was decided that oral testimony be given at the two river nominations and HB 102. Michele will testify at the Ammonoosuc River hearing. A letter of support is sufficient for HB 290. It was asked that those who are willing to testify contact Michele or Steve to coordinate.

- ***Michele L. Tremblay made a motion to adjourn with a second by Larry Spencer. Motion passed unanimous.***

Meeting adjourned at 11:20 am.